IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 20045 of 2007(J)

AGAINST THE ORDER DATED 04/12/2006 IN IA 5362/06 IN OPMV.1392/2005 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR

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PETITIONER:

SHIBIN M.C., S/O.CHANDRAN, AGED 24 YEARS
MUTTATHUPARAMBIL HOUSE, ALMURY P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.ALEXANDER JOSEPH
SRI.JOHNSON THOMAS

RESPONDENTS:

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1. THE BRANCH MANAGER, THE NEW INDIA ASSURANCE CO.LTD., ST.JOSEPH'S BUILDING, A.M.ROAD, PERUMBAVOOR.

2. THE MANAGER, THE PUNJAB NATIONAL BANK LTD., PERUMBAVOOR BRANCH, PERUMBAVOOR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.20045 OF 2007

DATED THIS THE 18th DAY OF JULY, 2007

JUDGMENT

An amount of Rs.1,30,000/- was directed to be deposited in a bank pursuant to order of the Motor Accident Claims Tribunal, Perumbavoor in O.P.(MV)No.1392/05. The petitioner, who is the beneficiary of that award sought disbursal of the amount. Originally, an amount of Rs.75,000/- was allowed to be drawn. The petitioner wanted disbursal of the balance amount also on the ground that the petitioner needs money for conducting of the marriage of the petitioner's sister. The same was rejected by the Tribunal by Ext.P3 order. The petitioner has approached this court challenging that order. The petitioner has now produced before me evidence to show that the petitioner's sister's marriage was conducted on 8.11.06. The petitioner submits that the petitioner being the only brother of the bride, he had to spend amount for the marriage for which he had incurred debt and unless the amount in deposit is disbursed to him, he may not be able to pay off the debts.

2. Taking into account the facts and circumstances of the case, I direct the Tribunal to permit the petitioner to withdraw the

balance amount lying in deposit. For this purpose Ext.P3 order is modified accordingly.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd